

DOCKET NO.: 270463US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROYUKI EBINUMA : EXAMINER: HOBBS, LISA J.
SERIAL NO.: 10/531,305 :
FILED: APRIL 13, 2005 : GROUP ART UNIT: 1657
FOR: NOVEL FRUCTOSYL PEPTIDE :
OXIDASE AND UTILIZATION THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated June 26, 2007, Applicants elect Group I, claims 1-7, with traverse.

The Restriction Requirement asserts that the inventions of Groups I and II do not relate to a single inventive concept. *See* Restriction Requirement, page 2. To make a lack of unity of invention requirement, the Patent Office must explain why each group of claims lacks unity with each other group, specifically describing the unique special technical feature in each group. *See, e.g.*, MPEP §1893.03(d). Applicants submit that the Patent Office has failed to provide a cogent explanation of why the claims of Groups I and II do not share a single general inventive concept, and thus has failed to meet its burden for making a lack of unity of invention requirement.

In addition, Applicants note that MPEP §803 provides that "[i]f the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent

inventions." Applicants respectfully submit that a search of any one Group would necessarily encompass a search of the other Group, and thus searching all Groups would not impose a serious burden on the Office.

Applicants further note that the claims of Group II depend from, and thus recite each and every feature of, claims of Group I. Accordingly, upon allowance of the claims of Group I, the claims of Group II must be rejoined and examined. *See* MPEP §821.04. In view of this eventuality, it is submitted that time and effort associated with such duplicative examination can be avoided by examining all Groups at present.

In view of the foregoing, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,

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